IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 25669 of 2007(E)

PETITIONER:

TRIVANDRUM DISTRICT CO-OPERATIVE BANK,
TRIVANDRUM, REPRESENTED BY ITS GENERAL MANAGER.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, TRIVANDRUM.

2. THE TAHSILDAR,
CHIRAYINKIL TALUK, TRIVANDRUM.

3. S. SREEDHARAN,
THEKKEVILA HOUSE, ATTINGAL, TRIVANDRUM.

4. M/S. DHANALEKSHMY BANK LIMITED,
REPRESENTED BY ITS MANAGER, KALLAMBALAM,TRIVANDRUM

R1 AND R2 BY G.P. SMT. M.K. PUSHPALATHA
R4 BY ADV. SRI.C.K.KARUNAKARAN,SC,DHANALAKSHMI BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 25669 OF 2007

Dated this the 23rd day of August, 2007

JUDGMENT

W.P. is filed for direction to respondents 1 and 2 to release excess collected in recovery proceedings to the petitioner-Bank for clearing liability due from the third respondent. Petitioner's case is that fourth respondent is also a creditor to the third respondent, but it's due is settled. I do not think any adjudication by this Court is required in the matter because respondents 1 and 2 are bound to pay to the creditor banks whatever excess is available after recovery of arrears of revenue from the third respondent. Petitioner, fourth respondent or any other credit is entitled to file claim petition before the second respondent and there will be direction to the second respondent to consider priority of claim of such of the creditors and release payment to them instead of making payment to the third respondent. Third respondent should also be heard in the matter before orders are issued by the second respondent. W.P. is disposed of directing respondents 1 and 2 not to release payment to third respondent unless claim of petitioner, fourth respondent or any other creditor is decided.

(C.N.RAMACHANDRAN NAIR)
Judge